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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,367	01/31/2002	David Bruce Kumhyr	AUS9-2001-0768-US1	2902

47959 7590 03/23/2005

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EXAMINER
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PHAN, HUY Q

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/062,367	KUMHYR, DAVID BRUCE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Huy Q Phan	2687	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/22/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is in response to Amendment filed on date: Nov. 05, 2004.  
Claims 1-31 are still pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 32 has been renumbered 31.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5. Claims 1-8, 12-15, 17-21 and 24-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jammal (US-2003/0027560) in view of Gresham et al. (US-2002/0160773).**

Regarding claim 1, Jammal discloses a method for providing telephone service to passengers for flights on aircraft, the method comprising the steps of: obtaining information about the passenger's flight, including the step of: receiving, by the on-board telephone service provider (fig. 1, feature 3), at least a portion of the flight information from a flight information provider other than the passenger or a caller [0014]; and selecting an on-board telephone for an incoming call to the passenger, the selecting being responsive to i) the flight information provided by the flight information provider [0014] and ii) the passenger identity (inherently to credit card or access number; see [0016]). But, Jammal fails to expressly teach establishing an identity for the passenger, including the step of: receiving, by an on-board telephone service provider, communication by an off-board communications means from a passenger before a flight on an aircraft, wherein the communication indicates acceptance by the passenger for receipt from the on-board telephone service provider of calls on-board during the flight.

However in analogous art, Gresham et al. teach establishing an identity for the passenger (figs. 1-2 and their descriptions), including the step of: receiving, by an on-board telephone service provider, communication by an off-board communications means from a passenger before a flight on an aircraft [0015], wherein the communication indicates acceptance by the passenger for receipt from the on-board telephone service provider of calls on-board during the flight [0100]. Since, Jammal and

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Gresham et al. are related to the aircraft communication system; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Jammal as taught by Gresham et al. for purpose of providing the passenger the better communication service.

Regarding claim 2, Jammal and Gresham et al. disclose the method as recited in the rejection of claim 1. Jammal further discloses wherein the flight information received from the flight information provider includes location of the aircraft ([0014] and [0016]).

Regarding claim 3, Jammal and Gresham et al. disclose the method as recited in the rejection of claim 1. Jammal further discloses wherein the step of receiving at least a portion of the flight information from a flight information provider includes the flight information provider communicating an identifier for the flight to a receiver for on-board telephone service [0014].

Regarding claim 4, Jammal and Gresham et al. disclose the method as recited in the rejection of claim 1. Jammal further discloses wherein the flight information received from the flight information provider includes a seat assignment for the passenger ([0014]-[0015]).

Regarding claim 5, Jammal and Gresham et al. disclose the method as recited in the rejection of claim 4. Jammal further discloses wherein the flight information received

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from the flight information provider includes information about layout of seats and telephones on the aircraft for the flight ([0014]-[0015]), and step c) comprises the step of: determining an association between a telephone and an assigned seat responsive to the aircraft information [0015].

Regarding claim 6, Jammal and Gresham et al. disclose the method as recited in the rejection of claim 1. Jammal further discloses wherein the passenger has an off-board telephone line, and the communication received from the passenger for a particular one of such flights is limited solely (inherently to "a code or passenger name") to an indication that the passenger's off-board telephone line is forwarding to the telephone service provider [0015].

Regarding claim 7, Jammal and Gresham et al. disclose the method as recited in the rejection of claim 1. Jammal further discloses wherein receiving passenger identification from the caller (inherently when the caller speaks to the operator; see [0012]).

Regarding claim 8, Jammal and Gresham et al. disclose the method as recited in the rejection of claim 1. Jammal further discloses wherein receiving flight identification from the caller (inherently when the caller speaks to the operator and the caller's information needs to be matched; see [0012] and [0014]).

Regarding claim 12, Jammal discloses a method for providing telephone service on aircraft (fig. 1, cols. 1-2), the method comprising the steps of:

obtaining information about the passenger's flight, including a seat assignment for the passenger, wherein the steps of: receiving, from an operator of the aircraft, flight information before the flight by a receiver of the on-board telephone service provider (fig. 1, cols. 1-2), wherein the receiver is located on-board the aircraft and the flight information includes identification of the flight and information about locations of seats and telephones on the aircraft (fig. 1, cols. 1-2); and receiving, by the on-board telephone service provider, information about the flight from a flight information provider other than the passenger or a caller (fig. 1, feature 3), the flight information including a flight identification or location of the aircraft [0014]; and

directing an incoming call for the passenger to a selected telephone on-board the aircraft [0015], including the steps of: selecting a passage responsive to the passenger identity for the incoming call [0016]; selecting a receiver for a group of telephones on-board the aircraft responsive to the flight identification or the aircraft location [0014]; and selecting the on-board telephone responsive to the seat assignment and the information about the craft [0015]. But, Jammal fails to expressly teach establishing an identity for the passenger, including the step of: receiving, by an on-board telephone service provider, communication by an off-board communications means from a passenger before a flight on an aircraft, wherein the communication indicates acceptance by the passenger for receipt from the on-board telephone service provider of calls on-board during the flight.

However in analogous art, Gresham et al. teach establishing an identity for the passenger (figs. 1-2 and their descriptions), including the step of: receiving, by an on-board telephone service provider, communication by an off-board communications means from a passenger before a flight on an aircraft [0015], wherein the communication indicates acceptance by the passenger for receipt from the on-board telephone service provider of calls on-board during the flight [0100]. Since, Jammal and Gresham et al. are related to the aircraft communication system; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Jammal as taught by Gresham et al. for purpose of providing the passenger the better communication service.

Regarding claim 13, Jammal and Gresham et al. disclose the method as recited in the rejection of claim 12. Jammal further discloses wherein the passenger has an off-board telephone line, and the communication received from the passenger for a particular one of such flights is limited solely (inherently to "a code or passenger name") to an indication that the passenger's off-board telephone line is forwarding to the telephone service provider [0015].

Regarding claim 14, Jammal and Gresham et al. disclose the method as recited in the rejection of claim 12. Jammal further discloses receiving passenger identification from the caller (inherently when the caller speaks to the operator; see [0012]).



Regarding claim 15, Jammal and Gresham et al. disclose the method as recited in the rejection of claim 12. Jammal further discloses wherein at least a portion of the flight information is received from the caller (inherently when the caller speaks to the operator; see [0012] and [0014]).

Regarding claim 17, Jammal and Gresham et al. disclose the method as recited in the rejection of claim 12. Jammal further discloses wherein the flight is an airline flight [0011], and the flight information provider includes a third party information provider (fig. 1 feature 3).

Regarding claim 18, Jammal discloses an apparatus for providing telephone service on aircraft, the apparatus comprising:

- a number of telephones on-board a number of aircraft, including telephones associated with respective rows of seats on each respective aircraft [0015];

- a network for receiving a call for a passenger and transmitting the call to a selected one of the telephones on a selected one of the aircraft (fig. 1, feature 6);

- a processor (inherently to computers 5A, 5B, and 5C); and

- memory, wherein the memory has a computer program operable with the processor (inherently to computers 5A, 5B, and 5C; see [0015]) for performing the steps of:

- receiving, by the on-board telephone service provider (fig. 1, feature 6), information about the flight from a flight information provider (fig. 1, feature 3) other than

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the passenger or a caller, the flight information including a flight identification or location of the aircraft [0014]; and

directing an incoming call for the passenger to a selected on-board telephone, including the steps of: selecting the aircraft responsive to the flight identification or aircraft location for the incoming call [0014]; and selecting the on-board telephone responsive to the seat assignment [0015]. But, Jammal fails to expressly teach establishing an identity for the passenger, including the step of: receiving, by an on-board telephone service provider, communication by an off-board communications means from a passenger before a flight on an aircraft, wherein the communication indicates acceptance by the passenger for receipt from the on-board telephone service provider of calls on-board during the flight.

However in analogous art, Gresham et al. teach establishing an identity for the passenger (figs. 1-2 and their descriptions), including the step of: receiving, by an on-board telephone service provider, communication by an off-board communications means from a passenger before a flight on an aircraft [0015], wherein the communication indicates acceptance by the passenger for receipt from the on-board telephone service provider of calls on-board during the flight [0100]. Since, Jammal and Gresham et al. are related to the aircraft communication system; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Jammal as taught by Gresham et al. for purpose of providing the passenger the better communication service.

Regarding claim 19, Jammal and Gresham et al. disclose the apparatus as recited in the rejection of claim 18. Jammal further discloses wherein the passenger has an off-board telephone line, and the communication received from the passenger for a particular one of such flights is limited solely (inherently to "a code or passenger name") to an indication that the passenger's off-board telephone line is forwarding to the telephone service provider [0015].

Regarding claim 20, Jammal and Gresham et al. disclose the apparatus as recited in the rejection of claim 18. Jammal further discloses wherein receiving passenger identification from the caller (inherently when the caller speaks to the operator; see [0012]).

Regarding claim 21, Jammal and Gresham et al. disclose the apparatus as recited in the rejection of claim 18. Jammal further discloses wherein at least a portion of the flight information is received from the caller (inherently when the caller speaks to the operator; see [0012] and [0014]).

Regarding claim 24, Jammal discloses a computer program product (fig. 1, feature 5A, 5B and 5C; see [0015]) for providing telephone service to a passenger on-board an aircraft, wherein the computer program product resides on a computer usable medium having computer readable program code and the computer readable program code (fig. 1, feature 5A, 5B and 5C; see [0015]) comprises:

first instructions for establishing an identity for the passenger (inherently when the caller speaks to the operator; see [0012]);

second instructions for obtaining information about the passenger's flight, including instructions for receiving, by the on-board telephone service provider, at least a portion of the flight information from a flight information provider other than the passenger or a caller [0014]; and

third instructions for selecting an on-board telephone for an incoming call to the passenger; the selecting being responsive to i) the flight information provided by the flight information provider [0014] and ii) the passenger identity (inherently to credit card or access number; see [0016]). But, Jammal fails to expressly teach establishing an identity for the passenger, including the step of: receiving, by an on-board telephone service provider, communication by an off-board communications means from a passenger before a flight on an aircraft, wherein the communication indicates acceptance by the passenger for receipt from the on-board telephone service provider of calls on-board during the flight.

However, Gresham et al. teach establishing an identity for the passenger (figs. 1-2 and their descriptions), including the step of: receiving, by an on-board telephone service provider, communication by an off-board communications means from a passenger before a flight on an aircraft [0015], wherein the communication indicates acceptance by the passenger for receipt from the on-board telephone service provider of calls on-board during the flight [0100]; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of

Jammal as taught by Gresham et al. for purpose of providing the passenger the better communication service.

Regarding claim 25, Jammal and Gresham et al. disclose the computer program product as recited in the rejection of claim 24. Jammal further discloses wherein the flight information received from the flight information provider includes location of the aircraft ([0014] and [0016]).

Regarding claim 26, Jammal and Gresham et al. disclose the computer program product as recited in the rejection of claim 24. Jammal further discloses wherein at least a portion of the flight information received from a flight information provider includes an identifier for the flight [0014].

Regarding claim 27, Jammal and Gresham et al. disclose the computer program product as recited in the rejection of claim 24. Jammal further discloses wherein the flight information received from the flight information provider includes a seat assignment for the passenger [0015].

Regarding claim 28, Jammal and Gresham et al. disclose the computer program product as recited in the rejection of claim 24. Jammal further discloses wherein the passenger has an off-board telephone line, and the communication received from the passenger for a particular one of such flights is limited solely (inherently to "a code or

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passenger name") to an indication that the passenger's off-board telephone line is forwarding to the telephone service provider [0015].

Regarding claim 29, Jammal and Gresham et al. disclose the method as recited in the rejection of claim 1. Gresham et al. further disclose receiving, from an operator of the aircraft flight information before the flight by a receiver of the on-board telephone service provider ([0015] and [0100]), wherein the receiver is located on-board the aircraft and the flight information includes identification of the flight and information about locations of seats and telephones on the aircraft (figs. 2-4; see [0070]-[0087] and [0123]).

Regarding claim 30, Jammal and Gresham et al. disclose the apparatus as recited in the rejection of claim 18. Gresham et al. further disclose wherein the computer program is operable with the processor for performing the step of: receiving, from an operator of the aircraft, flight information before the flight by a receiver of the on-board telephone service provider ([0015] and [0100]), wherein the receiver is located on-board the aircraft and the flight information includes identification of the flight and information about locations of seats and telephones on the aircraft (figs. 2-4; see [0070]-[0087] and [0123]).

Regarding claim 31, Jammal and Gresham et al. disclose the computer program product as recited in the rejection of claim 24. Gresham et al. further disclose:

instructions for receiving, from an operator of the aircraft, flight information before the flight by a receiver of the on-board telephone service provider ([0015] and [0100]), wherein the receiver is located on-board the aircraft and the flight information includes identification of the flight and information about locations of seats and telephones on the aircraft (figs. 2-4; see [0070]-[0087] and [0123]).

**6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jammal and Gresham et al. in view of Horrer (US-6,321,084).**

Regarding claim 9, Jammal and Gresham et al. disclose the method as recited in the rejection of claim 1. But, Jammal and Gresham et al. fail to expressly teach wherein receiving passenger seat assignment from the caller. However in analogous art, Horrer teaches receiving passenger seat assignment from the caller (col. 2, lines 60-65).

Since, Jammal, Gresham et al. and Horrer are related to a method for an on-board call; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Jammal and Gresham et al. by specifically receiving passenger seat assignment from the caller as taught by Horrer for purpose of processing the on-board call much faster and accurately by providing the system helpfully an exact passenger seat assignments.

**7. Claims 10, 11, 16, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jammal and Gresham et al. in view of Jensen et al. (US-2002/0111165).**

Regarding claims 10, 16 and 22, Jammal and Gresham et al. disclose the method and the apparatus as recited in the rejections of claims 1, 12 and 18 respectively, wherein the flight is an airline flight (fig. 1 and [0011]). But, Jammal and Gresham et al. fail to expressly teach the flight information provider including the airline. However in analogous art, Jensen et al. teach the flight information provider includes the airline ([0038], [0040] and [0042]). Since, Jammal, Gresham et al. and Jensen et al. are related to a method for an on-board call; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Jammal and Gresham et al. by specifically having the flight information provider including the airline as taught by Jensen et al. for purpose of processing advantageously the on-board call by receiving necessary information from the airline.

Regarding claims 11 and 23, Jammal and Gresham et al. disclose the method and an apparatus as recited in the rejections of claims 1 and 18 respectively, wherein the flight is an airline flight (fig. 1 and [0011]). But, Jammal and Gresham et al. fail to expressly teach the flight information provider including a third party information provider. However, Jensen et al. teach the flight information provider including a third party information provider ([0040] and [0042]); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Jammal and Gresham et al. by specifically having the flight information provider including a third party information provider as taught by Jensen et al. for purpose of



providing the system advantageously a second choice to access the airline flight information and passenger seat assignments beside from the airline.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

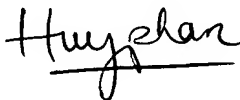
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 703-305-9007. The examiner can normally be reached on 8AM-6PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid G Lester can be reached on 703-306-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**SONNY TRINH**  
**PRIMARY EXAMINER**

Examiner: Phan, Huy Q.

AU: 2687

Date: Mar. 20, 2004